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8 **UNITED STATES DISTRICT COURT**
9 **CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION**

10 KEVIN RISTO, on behalf of himself and
all others similarly situated,

11 Plaintiff,

12 v.

13 SCREEN ACTORS GUILD-
14 AMERICAN FEDERATION OF
TELEVISION AND RADIO ARTISTS,
a Delaware corporation; AMERICAN
15 FEDERATION OF MUSICIANS OF
THE UNITED STATES AND
CANADA, a California nonprofit
16 corporation; RAYMOND M. HAIR, JR,
an individual, as Trustee of the AFM and
17 SAG-AFTRA Intellectual Property
Rights Distribution Fund; TINO
18 GAGLIARDI, an individual, as Trustee
of the AFM and SAG-AFTRA
19 Intellectual Property Rights Distribution
Fund; DUNCAN CRABTREE-
20 IRELAND, an individual, as Trustee of
the AFM and SAG-AFTRA Intellectual
21 Property Rights Distribution Fund;
STEFANIE TAUB, an individual, as
22 Trustee of the AFM and SAG-AFTRA
Intellectual Property Rights Distribution
23 Fund; JON JOYCE, an individual, as
Trustee of the AFM and SAG-AFTRA
24 Intellectual Property Rights Distribution
Fund; BRUCE BOUTON, an individual,
25 as Trustee of the AFM and SAG-
AFTRA Intellectual Property Rights
26 Distribution Fund; and DOE
27 DEFENDANTS 1-10,
Defendants.

CASE NO. 2:18-CV-07241-CAS-PLA

CLASS ACTION

**[PROPOSED] ORDER GRANTING
PLAINTIFF'S MOTION IN LIMINE
NO. 1 TO EXCLUDE THE
TESTIMONY AND OPINIONS OF
DEFENDANTS' EXPERT DAVID
NOLTE PURSUANT TO DAUBERT**

*[filed concurrently with Plaintiff's
Notice of Motion and Motion in Limine
No. 1 to Exclude the Testimony and
Opinions of Defendants' Expert David
Nolte Pursuant to Daubert; Declaration
of Mariana A. McConnell in Support
Thereof]*

Judge: Hon. Christina A. Snyder
Crtrm.: 8D – 8th Floor

Date: July 19, 2021
Time: 11:00 a.m.

Trial Date: August 17, 2021

1 Having read and considered Plaintiff's Motion in Limine No. 1 to Exclude
2 the Testimony and Opinions of Defendants' Expert David Nolte Pursuant to
3 Daubert, and for good cause appearing therefore, **IT IS HEREBY ORDERED**
4 **THAT:**

5 1. No reference, mention, or introduction of evidence from retained expert
6 David Nolte shall be made, including but not limited to Mr. Nolte's March 8, 2021
7 report, and Mr. Nolte's conclusions and the evidence set forth herein that Mr. Nolte
8 relies upon for his conclusions, including but not limited to: the 50 Song Study, Table
9 6, and the market share of record companies article, his application of the Georgia
10 Pacific factors, and use of the terms "license agreement" and "royalty."

11 2. Plaintiff's Motion is HEREBY GRANTED.

12 **IT IS SO ORDERED.**

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15 Dated: _____

16 HON. CHRISTINA A. SNYDER
17 UNITED STATES DISTRICT COURT
18 JUDGE
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